

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DEUTSCHE BANK TRUST COMPANY
AMERICAS, as Trustee for GMAC-RFC
Master Servicing

Plaintiff,

v.

Case No.: 2:20-cv-72-FtM-38NPM

RONALD P. GILLIS,

Defendant.

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OPINION AND ORDER¹

Before the Court is Plaintiff Ronald P. Gillis's Notice of Removal to Federal Court under Diversity ([Doc. 1](#)). Gillis previously removed the underlying state foreclosure action in September 2019 based on federal question jurisdiction. United States District Judge Tom Barber remanded the case because the state court had already entered a final judgment, so there was no case to remove. [Deutsche Bank Trust Co. Ams. v. Ronald Gillis, Case No. 2:19-CV-642-TPB-MRM \(M.D. Fla. Nov. 22, 2019\)](#). Removal of this case remains untimely, despite Gillis's reliance on diversity jurisdiction instead of federal question jurisdiction. In fact, even a timely removal based on diversity would have been improper. [28 U.S.C. § 1441\(b\)](#) prohibits removal based on diversity if any defendant is a citizen of the forum state. According to his Notice of Removal, Gillis is a citizen of Florida.

Accordingly, it is now

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

ORDERED:

- (1) This case is **REMANDED** to the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida.
- (2) The Clerk is **DIRECTED** to transmit a certified copy of this Order to the Clerk of the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida.
- (3) The Clerk is **DIRECTED** to terminate any pending motions and deadlines and close the case.

DONE and **ORDERED** in Fort Myers, Florida this 26th day of February, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record